IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:10ev637

WALTER WILKINS,)	
)	
Plaintiff,)	
)	MEMORANDUM
Vs.)	OF DECISION
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	
)	

THIS MATTER is before the court on the plaintiff's Motion for Summary Judgment (#15) and defendant's Motion for Summary Judgment (#17) and the Memorandum and Recommendation (#19) of Honorable David C. Keesler, United States Magistrate Judge, regarding the disposition of those motions.

Pursuant to 28, United States Code, Section 636(b), Judge Keesler was designated to consider these pending motions in the above captioned action and to submit to this Court a recommendation for the disposition of these motions. On November 22, 2011, Judge Keesler entered the Memorandum and Recommendation containing proposed conclusions of law in support of his recommendation concerning such motions. The parties were advised that any objections to the Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections ended on December 9, 2011, and no written objections to the Memorandum and Recommendation have been filed.

After careful review of Judge Keesler's well reasoned Memorandum and

Recommendation, the court finds that the proposed conclusions of law are fully consistent

with current case law. Accordingly, the court hereby ACCEPTS Judge Keesler's

recommendation that both motions be denied and that the action be remanded for further

review by an administrative law judge.

ORDER

IT IS, THEREFORE, ORDERED that the Commissioner's Motion for Summary

Judgment (#17) is **DENIED** and that plaintiff's Motion for Summary Judgment (#15) is

DENIED.

IT IS FURTHER ORDERED that the Memorandum and Recommendation is

AFFIRMED and ADOPTED by this court in full, and that the final decision of the

Commissioner is hereby VACATED, and this matter is **REMANDED** for reconsideration

by an administrative law judge consistent with this Order and the Memorandum and

Recommendation.

A judgment consistent with this Memorandum and Decision shall be entered by the

Clerk of Court simultaneously herewith.

Signed: December 21, 2011

Max O. Cogburn Jr.

United States District Judge

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